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Attorneys for Defendant  
GLEN EDWARD GARNER

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEVADA

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	Case No.: 2:18-cr-00317-JAD-VCF
	)	
v.	)	
	)	
GLEN EDWARD GARNER,	)	
	)	
Defendant.	)	
_____	)	

**STIPULATION AND ORDER TO CONTINUE DEADLINE FOR FILING OF**  
**PRETRIAL MOTIONS AND RELATED DATES**  
**(Seventh Request)**

IT IS HEREBY STIPULATED AND AGREED, by and between Defendant GLEN EDWARD GARNER, by and through his attorney (Richard J. Pocker, Esq. of the law firm of Boies Schiller Flexner LLP), and the Plaintiff UNITED STATES OF AMERICA (hereinafter, “the Government”), by and through its attorney (Assistant United States Attorney Kevin Schiff), that the deadline for the filing of pretrial motions be extended to April 13, 2020, and the due date for any responses to pretrial motions be extended to April 27, 2020.

This Stipulation is entered into for the following reasons:

1. The present case is currently set for trial on June 2, 2020. The discovery process in the present case is, in the view of Defendant GARNER, not yet complete. The date by

1 which pretrial motions are to be filed is April 3, 2020, only 10 days away. The Government has  
2 recently discovered relevant tape recordings of conversations between the key witness against  
3 Defendant GARNER and a person alleged to be Defendant GARNER, gathered through the  
4 electronic surveillance authorized in another investigation. The Government has made the  
5 disclosure of these recordings, as well as much of the Title III paperwork associated with the  
6 electronic surveillance in the past few weeks. Defendant GARNER is engaged in analyzing  
7 and preparing to file necessary pretrial motions. Counsel for Defendant GARNER requests  
8 additional time to review and analyze the discovery materials provided by the Government, and  
9 to meet and strategize with Defendant GARNER. (The Government does not presently intend  
10 to provide additional discovery materials necessary for trial.) Defendant GARNER's Motion  
11 for Disclosure of Information Regarding Confidential Informant was heard by the Court in  
12 early July of 2019 and United States Magistrate Judge Ferenbach granted the Motion, subject to  
13 a Protective Order. While documentation and information responsive to Defendant  
14 GARNER's Motion and the Court's Order have been provided by the Government, Defendant  
15 GARNER believes the Governments' compliance with the Order to be incomplete. Motion  
16 practice concerning this compliance is anticipated. Defendant GARNER and his counsel wish  
17 to receive any such materials in a timely manner, sufficiently before trial commences so as to  
18 utilize the information either in necessary pretrial motions or as part of his defense at trial.

19 2. In addition to the above-referenced procedural considerations, the deepening  
20 recent public health crisis posed by the coronavirus pandemic has impacted the ability of  
21 Defendant GARNER and his counsel to effectively prepare the necessary pretrial motions,  
22 given the medical and governmental restrictions attendant to the local Nevada community.  
23 Given the necessity of preparing and assembling such motions in a situation where face to face  
24 meetings between client and counsel are inadvisable and counsel's staff is working remotely, a  
25 short extension of deadlines related to pretrial motions is necessary. The parties hereby agree  
26 that the due date for pretrial motions should be extended from April 3, 2020 to April 13, 2020,  
27 and that the deadline for responding to these motions be extended to April 27, 2020. In light of  
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1 the rapidly evolving nature of the public health crisis, Defendant GARNER and his counsel are  
2 aware that a further extension of the motion response deadline may become necessary.

3 3. Counsel for both Defendant GARNER and the Government are in agreement  
4 with respect to the need for a continuance of the due date for pretrial motions.

5 4. Defendant GARNER is free on pretrial release pending trial, and has no  
6 objection to the requested continuance, as it will enhance the thoroughness of his trial  
7 preparation. He is insistent on receiving as much helpful and useful evidence as possible in  
8 response to his earlier motion, and to having his pretrial motions as comprehensive as possible.

9 5. Denial of this request for continuance will result in a miscarriage of justice,  
10 given the necessity of further informed preparation by Defendant GARNER and his counsel,  
11 with access to any additional materials the Government has yet to make available, and the  
12 restrictions or conduct created by the pandemic.

13 6. The extension of deadlines contemplated by this Stipulation does not impact the  
14 currently scheduled trial date of June 2, 2020. Nonetheless, the additional time requested by  
15 this Stipulation is excludable in computing the time in which the trial herein must commence  
16 pursuant to the Speedy Trial Act, Title 18, United States Code, Section 3161(h)(7)(A), when  
17 considering the factors under Title 18, United States Code, Sections 3161(h)(7)(B) and  
18 3161(h)(7)(B)(iv).

19 7. This is the seventh request for an extension of the date by which pretrial motions  
20 must be filed.

21 DATED this 24<sup>th</sup> day of March, 2020.

22 BOIES SCHILLER FLEXNER LLP

NICHOLAS A. TRUTANICH  
United States Attorney

23  
24 By: /s/ Richard J. Pocker  
25 RICHARD J. POCKER, ESQ.  
Counsel for Glen Edward Garner

By: /s/ Kevin Schiff  
KEVIN SCHIFF  
Assistant United States Attorney

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UNITED STATES DISTRICT COURT  
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UNITED STATES OF AMERICA,	)	
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Plaintiff,	)	Case No.: 2:18-cr-00317-JAD-VCF
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GLEN EDWARD GARNER,	)	
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Defendant.	)	
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**I.**

**FINDINGS OF FACT**

Based upon the pending Stipulation of counsel, and good cause appearing therefor, the Court finds that:

1. The present case is currently set for trial on June 2, 2020, and the deadline for filing pretrial motions is April 3, 2020. Counsel for Defendant GARNER requests additional time to review and analyze the discovery materials provided by the Government and to meet and strategize with Defendant GARNER. In addition, the Government's compliance with the Order granting Defendant GARNER's Motion for Disclosure of Information Regarding Confidential Informant is disputed, and will be subject to motion practice.

2. Counsel for both Defendant GARNER and the Government are in agreement with respect to the need for a continuance of the due date for the filing of pretrial motions.

3. Defendant GARNER is presently on pretrial release pending trial, and has no objection to the requested continuance, as it will enhance the thoroughness of his trial preparation.

4. The public health crisis posed by the coronavirus pandemic has disrupted the activities of Defendant GARNER and his counsel in connection with the preparation of pretrial motions, and a short extension of the due dates for the filing of such motions is in the public interest and required to avoid a miscarriage of justice.

5. Based upon the necessity for continuity of counsel and effective preparation, denial of this request for a continuance would deny the parties herein sufficient time and opportunity to effectively and thoroughly prepare for the filing of pretrial motions in this case, taking into account the exercise of due diligence. Denial of this request would result in a miscarriage of justice.

6. The additional time requested by this Stipulation does not effect the trial date in the present case, but nonetheless is excludable in computing the time in which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United States Code, Section 3161(h)(7)(A), when considering the factors under Title 18, United States Code, Sections 3161(h)(7)(B) and 3161(h)(7)(B)(iv).

For all of the above-stated reasons, the ends of justice would best be served by a continuance of the date by which pretrial motions must be filed.

## II.

## CONCLUSIONS OF LAW


The ends of justice served by granting said continuance outweigh the best interest of the public and the Defendant in a speedy trial, since the failure to grant said continuance would be likely to result in a miscarriage of justice, would deny the parties herein sufficient time and the opportunity within which to be able to effectively and thoroughly prepare their pretrial motions, taking into account the exercise of due diligence.

1 The continuance sought herein is excludable under the Speedy Trial Act, Title 18,  
2 United States Code, Section 3161(h)(7)(A), when considering the factors under Title 18, United  
3 States Code, Sections 3161(h)(7)(B) and 3161(h)(7)(B)(iv).

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5  
6 **ORDER**

7 Based on the pending Stipulation of counsel, and good cause appearing,  
8 IT IS FURTHER ORDERED that all additional Pretrial Motions are due on or before April 13,  
9 2020. Responses are due on or before April 27, 2020. Replies due on or before May 4, 2020.

10 DATED this 25th day of March, 2020.

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14 UNITED STATES DISTRICT JUDGE  
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